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**FULBRIGHT & JAWORSKI L.L.P.**  
**A REGISTERED LIMITED LIABILITY PARTNERSHIP**  
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**AUSTIN TX 78701**

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**MAR 20 2009**

**OFFICE OF PETITIONS**

In re Application of  
Sheldon, Jeffrey J.  
Application No. 10/092,385  
Filed: March 5, 2002  
Attorney Docket No. IDEV:020US

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and a Pre-Appeal Brief Request for Review, (2) the petition fee, and (3) a proper statement of unintentional delay.

**The Notice of Appeal filed December 1, 2008, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief accompanied by the fee required by law, runs from the date of this decision.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$555.00 extension of time fee submitted with the petition on December 1, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3773 for further processing.

Liana Walsh  
Petitions Examiner  
Office of Petitions